

Remarks:

_____ Claims 21-26 remain for consideration in this application, with all claims 21-26 being in independent format. Claims 21-26 are currently amended. Claim 27 was previously withdrawn and claims 1-20 were previously cancelled.

_____ Claims 21-26 were rejected under 35 U.S.C. 103(a) for being unpatentable over Rossow et. al. in view of Moormann et. al. It was alleged that Rossow described the deposited virus VR 2332 and Moormann described making DNA clones that have copies of infectious viruses. Applicants respectfully assert that the infectious clone disclosed in the present invention was surprisingly produced by a host cell that the wild-type virus was incapable of infecting. Applicants assert that neither Moormann nor Rossow discloses a clone produced by a host cell that the wild type virus cannot infect. The specification of the present invention states on page 19, “These data indicated that LV can not infect BHK-21 cells because, most likely, they lack the receptor for LV. However, once the genomic RNA has been introduced in BHK-21 cells, new infectious virus particles are being produced and excreted into the medium.” Applicants have amended claims 21-26 to incorporate “said infectious RNA molecule is produced by a host cell that is not susceptible to infection by wild-type PRRS viurs,” thus distinguishing the claims of the present invention from the cited references. Accordingly, Applicants respectfully assert that this rejection has been overcome.

In view of the foregoing, the claims as they stand appear to be allowable over the prior art, and thus, a Notice of Allowance appears to be in order and is courteously solicited. A fee for a three month extension is included herewith and any additional fee which is due in connection with this Amendment should be applied against our Deposit Account No. 50-1662.

Respectfully submitted,

By _____ /*Tracey Truitt*/ _____

Tracey S. Truitt, Reg. No. 43,205

Polsinelli Shalton Flanigan Suelthaus PC

700 W. 47th St., Suite 1000

Kansas City, MO 64112